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Attorneys for Defendants INVENSENSE, INC.,
BEHROOZ ABDI, AMIR FAINTUCH,
USAMA FAYYAD, EMIKO HIGASHI,
JON OLSON, AMIT SHAH, ERIC STANG and
YUNBEI YU

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARC NUZZO, on behalf of himself
and all others similarly situated,

Plaintiff,

vs.

INVENSENSE, INC., BEHROOZ ABDI,
AMIR FAINTUCH, USAMA FAYYAD,
EMIKO HIGASHI, JON OLSON, AMIT
SHAH, ERIC STANG, YUNBEI YU, TDK
CORPORATION, and TDK SENSOR
SOLUTIONS CORPORATION,

Defendants.

Case No. 3:17-cv-00859-JD

**STIPULATION EXTENDING TIME
TO RESPOND TO COMPLAINT;
REQUEST TO POSTPONE CASE
MANAGEMENT CONFERENCE;
AND PROPOSED ORDER**

Hon. James Donato

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1 respond at present to the other four complaints, and therefore stipulations extending time have
2 been filed in the other four actions. *See Chicorel* Dkt. 9; *Dunham* Dkt. 10; *Isaac* Dkt. 10; and
3 *Holzman* Dkt. 20. (The TDK Defendants have not been served in any action.)

4 F. In this action, Plaintiff filed a Preliminary Injunction Motion (*Nuzzo* Dkt. 7),
5 the parties stipulated to a briefing schedule and expedited hearing (*Nuzzo* Dkt. 9), the Court
6 granted an expedited hearing date (*Nuzzo* Dkt. 10), InvenSense filed an amendment to its
7 Definitive Proxy Statement that included supplemental disclosures addressing Plaintiff's
8 claims raised in his Injunction Motion, and Plaintiff filed a Notice of Withdrawal of Plaintiff's
9 Motion for Preliminary Injunction (*Nuzzo* Dkt. 11).

10 G. The meeting of InvenSense shareholders to vote on the Proposed Merger is set
11 for May 17, 2017. If the shareholders approve the Proposed Merger, the transaction will likely
12 close that day or the next.

13 H. If the shareholders' meeting is held and the Proposed Merger closes, the
14 Plaintiff in this action will dismiss his complaint without prejudice to other members of the
15 putative class, but will request that the Court retain jurisdiction solely for the purpose of
16 hearing any dispute relating to Plaintiff's petition for attorneys' fees, should the parties not
17 reach an agreement. Plaintiffs in the other four allied actions likely will dismiss their
18 complaints without prejudice to other members of the putative class.

19 I. Because this is the likely resolution of *Nuzzo* Action and the other four allied
20 actions, the parties believe that it would serve no purpose for Defendants at present to plead to
21 the *Nuzzo* complaint (to which, for the InvenSense Defendants, a response otherwise is due
22 May 15, two days before the shareholders' meeting) or for the parties to prepare for or
23 participate in a case management conference (currently set for May 25, 2017).

24 J. There have been no previous extensions of time to plead or otherwise respond
25 to the complaint. The stipulated extension set forth below would not affect any deadline set by
26 court order and accordingly is permissible without court order under Civil Local Rule 6-1(a).
27 The parties' proposed postponement of the case management conference would, of course,
28 require a court order.

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